

# COHEN & GREEN

January 24, 2024

**BY ECF**

Hon. Katherine Polk Failla, U.S.D.J.  
United States District Court for the Southern District of New York  
40 Foley Square, Room 2103  
New York, NY 10007

**MEMO ENDORSED**

**Re: Rijper-Greenidge v. McGuire, et al., 23-cv-09702 (KPF)**

Dear Judge Failla:

My firm represents Plaintiff in the above-captioned matter. I write to request that the Court extend the time to serve Defendant Ryan Miller by 120 days, from the current deadline of Thursday, February 1, 2024 to Friday, May 31, 2024. This is the first such request for an extension of time to serve.

By way of background, the complaint in this matter was filed on November 3, 2023, and the deadline to serve the summons and complaint on all Defendants under Fed.R.Civ.P. 4 is February 1, 2024. While the City is not a named defendant, the individual defendants are all current or former NYPD employees, and the complaint was served on the City via email on using the Law Department's designated service e-mail address ([ServiceECF@law.nyc.gov](mailto:ServiceECF@law.nyc.gov)) on January 18, 2024.

After filing the complaint, we attempted to obtain service information for Defendant Ryan Miller. However, we recently learned that Defendant Miller, who was employed by the NYPD at the time of incident in August 2020, has since resigned. As a result, although we have reached out to the NYPD's Employee Verification Unit, as of mid-December of 2023, it was not able to provide a service address for Defendant Miller.

On January 23, 2024, my office served a letter on the Law Department informing them of the situation, and that I would be making this application. In the letter, I also asked that the Law Department provide current contact information for Defendant Miller, or let Plaintiff's counsel know that the Law Department will accept service on his behalf. I also asked for the Law Department's position on this application. I have not yet received a response.

In light of the above circumstances, pursuant to Fed. R. Civ. P. 4(m), Plaintiff respectfully asks that the Court extend the time to serve Defendant Miller by 120 days, to Friday, May 31, 2024.

Also in light of the circumstances here, I will serve a copy of this application on the Law Department by e-mail.

We thank the Court for its time and consideration.

Respectfully submitted,



/s/

J. Remy Green

*Honorific/Pronouns: Mx., they/their/them*

**COHEN&GREEN P.L.L.C.**

*Attorneys for Plaintiffs*

1639 Centre St., Suite 216

Ridgewood, New York 11385

cc:

All relevant parties by ECF.

Application GRANTED. The deadline to serve Defendant Miller is hereby ADJOURNED to **May 31, 2024**.

The Clerk of the Court is directed to terminate the pending motion at docket number 7.

Dated: January 25, 2024  
New York, New York

SO ORDERED.

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE